



Sector 113

Dkt. 50875-F-PCT-US/JPW/SHS

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Graham P. Allaway, et al.

Serial No.: 09/460,216

Filed : December 13, 1999 Art Unit: 1633

For : METHOD FOR PREVENTING HIV-1 INFECTION OF CD4+ CELLS

1185 Avenue of the Americas
New York, New York 10036
August 22, 2000

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTN: Box Missing Parts

Sir:

**COMMUNICATION IN RESPONSE TO
FEBRUARY 25, 2000 NOTICE TO FILE MISSING
PARTS OF APPLICATION UNDER 37 C.F.R. §1.53(d)
AND PETITION FOR A FOUR-MONTH EXTENSION OF TIME**

This Communication is filed in response to a Notice to File Missing Parts of Application issued by the United States Patent and Trademark Office on February 25, 2000 in connection with the above-identified application. A copy of the Notice is attached hereto as Exhibit A. The Notice provides a period of two months for filing a response. Accordingly, a response was originally due on April 25, 2000. Applicants hereby petition for a four month extension of time. The required fee for a four month extension of time is \$1360.00 and a check which includes this amount is enclosed. Accordingly a response is now due August 25, 2000. Therefore this Communication is being timely filed.

The Notice indicates that the oath and declaration is unsigned. In response, applicants attach hereto as Exhibit B a Declaration and Power of Attorney pursuant to 37 C.F.R. §1.53(d) and in compliance

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with 37 C.F.R. §163. The Declaration refers to the application's above-identified serial number and filing date.

The Notice indicates that the surcharge under 37 C.F.R. §1.16(e) for responding to the Notice to File Missing Parts of Application under 37 C.F.R. §1.53(d) is ONE HUNDRED THIRTY DOLLARS (\$130.00) for a non-small entity and a check which includes this amount is enclosed.

In addition, the Notice states that the statutory basic filing fee is insufficient and that applicant must submit \$380.00 to complete the basic filing fee and/or file a small entity statement. In response, applicants enclose a check which includes the \$380.00 fee to complete the basic filing fee.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone at the number provided below.

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No fee, other than the enclosed \$1870.00 which includes the \$130.00 surcharge fee, the \$1360.00 fee for a four month extension of time and \$380.00 to complete the basic filing fee, is deemed necessary in connection with the filing of this Communication. If any additional fees are required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.



8-22-00

John P. White
Reg. No. 28,678
Spencer H. Schneider
Reg. No. 45,923

Date

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UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JPW
HJ

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/460,216	12/13/99	ALLAWAY	G 50875-F-PCT

0242/0225

- COOPER & DUNHAM LLP
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

1633

DATE MAILED:

02/25/00

04/25/2000
08/25/2000

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a
 small entity (statement filed) non-small entity is \$_____.

1. The statutory basic filing fee is:

missing.
 insufficient.

Applicant must submit \$ 380.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

2. The following additional claims fees are due:

\$ _____ for _____ total claims over 20.

\$ _____ for _____ independent claims over 3.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. The oath or declaration:

is missing or unsigned.
 does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

9. OTHER: _____

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

08/29/2000 SSESH10 00000113 09460216

130.00 OP

Custom Service Center
Initial Patent Examination Division (703) 308-1202

760.00 OP

RECEIVED
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08/28/2000

8/28/2000

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Adjustment date: 08/29/2000 SSESH10 00000113 09460216
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